

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CEDRIC PUGH, #182373

Plaintiff,

VS.

ALABAMA CORRECTIONAL  
INDUSTRIES COMMISSIONER  
BUTCH CALLOWAY, et al.

Defendants.

CASE NO.: 2:06-CV-363-MEF [WO]

**ANSWER**

COME NOW the Defendants **Butch Calloway, Freddie Nunn and Danny Donovan**, by and through Attorney General Troy King, via undersigned counsel, and in accordance with this Honorable Court's Order, answer the Plaintiff's Complaint as follows:

1. Defendants deny Plaintiff's allegations that he was not trained to operate the machinery at the meat processing plant.
2. Defendants admit that Plaintiff injured his finger while operating a meat grinder.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments in Plaintiff's Complaint.
4. Defendants deny all material allegations not expressly admitted herein.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff lacks standing to bring this suit.
3. Defendants assert the defense of sovereign immunity.
4. Defendants assert the defense of qualified immunity.
5. Defendants cannot be held personally liable for a 42 U.S.C. § 1983 civil action under the theory of Respondeat Superior.
6. This Court lacks subject matter jurisdiction.
7. The Court lacks jurisdiction over the persons involved in this action.
8. The Court lacks jurisdiction over the subject matter of this action.
9. The Defendants generally deny that the Plaintiff is entitled to receive any portion of the relief requested in the Complaint filed in the above-styled action.
10. The Plaintiff is generally not entitled to be awarded punitive damages in connection with any claims against the Defendants.
11. Defendants assert state-agent immunity.
12. Defendants assert functional discretionary immunity.
13. Defendants assert contributory negligence.
14. Defendants assert assumption of the risk.
15. Defendants assert accord and satisfaction.
16. The Defendants reserve the right to assert additional defenses as discovery progresses.

Respectfully Submitted,

Troy King (KIN047)  
Attorney General

s/ J. Matt Bledsoe  
J. Matt Bledsoe (BLE006)  
Assistant Attorney General

ADDRESS OF COUNSEL  
Office of the Attorney General  
11 South Union Street  
Montgomery, AL 36130  
(334) 342-7443  
(334) 242-2433 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 16th day of June, 2006, served a copy of the foregoing on the plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Cedric Pugh, #182373  
Elmore Correctional Facility  
PO Box 8  
Elmore, AL 36025

/s/ J. Matt Bledsoe  
OF COUNSEL